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11 Attorneys for Defendants
12 SAXON MORTGAGE SERVICES, INC.,
13 MORTGAGE ELECTRONIC
14 REGISTRATION SYSTEMS, INC. and
15 DEUTSCHE BANK NATIONAL TRUST
16 COMPANY

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

BRANDON T. DALBY,

Case No.

Plaintiff,

District Court Case No. A-11-644458-C
Dept.: XV

v.
QUALITY LOAN SERVICE CORPORATION;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; DEUTSCHE BANK
NATIONAL TRUST COMPANY; SAXON
MORTGAGE SERVICES, INC.; DOES I through
10, inclusive; and ROE CORPORATIONS 1
through 10, inclusive,

PETITION FOR REMOVAL

Defendants.

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants, SAXON MORTGAGE SERVICES, INC.
("Saxon"), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") and
DEUTSCHE BANK NATIONAL TRUST COMPANY ("Deutsche"), by and through their
attorneys, Wolfe & Wyman LLP, hereby notice the removal of this action to the United States

1 District Court and, in support thereof, state the following:

2 1. On July 6, 2011, an action was commenced in the District Court, Clark County,
3 Nevada entitled Dalby, et al. v. Quality Loan Service, Inc., et al., Case No. A-11-644458-C. A copy
4 of the Complaint is attached hereto as Exhibit A.

5 2. Upon information and belief, Saxon, MERS and Deutsche have not been served with
6 a Summons or Complaint in this action.

7 3. Upon information and belief, and based on the public database records of the Clark
8 County District Court, as of the date of filing this Petition for Removal, Defendant, Quality Loan
9 Service Corp. does not appear to have been properly served.

10 4. Plaintiff brings claims relating to the foreclosure on the real property identified as 550
11 Blackmore Dr., Henderson, NV 89015 (hereinafter, "Subject Property").

12 5. Saxon removes this case pursuant to 28 U.S.C. §1441(b) based on the diversity of
13 citizenship of parties.

14 6. Diversity of the parties is satisfied as follows:

15 a. Upon information and belief Plaintiff is a resident of the State of Nevada.

16 b. Saxon is a Texas Corporation with its principal place of business in Texas.

17 c. MERS is a Delaware corporation with its principal place of business in
18 Virginia.

19 d. Deutsche is a California corporation with its principal place of business in
20 California.

21 e. Upon information and belief Quality Loan Services Inc. is a California
22 corporation with its principal place of business in California.

23 7. Pursuant to 28 U.S.C. §1332(a), there is a sufficient amount in controversy as the
24 amount of the loan is \$221,000.00. Exhibit A.

1 8. Supplemental jurisdiction of any state law claim is proper under 28 U.S.C. § 1337(a).
2 9. Counsel for Saxon, MERS and Deutsche to date has attempted to ascertain the
3 identity of counsel for Co-Defendant and contact them to determine their position regarding consent
4 to the Petition for Removal. Counsel will submit written consent for any necessary parties within
5 the reasonable time.
6

7 10. Based on the above-referenced allegations pursuant to 28 U.S.C. § 1441, et seq.,
8 Saxon, MERS and Deutsche are entitled to remove this entire action from the Nevada State District
9 Court, Clark County, Nevada to the United States District Court, District of Nevada, and they so
10 wish to exercise that right.

11 11. Pursuant to 28 U.S.C. § 1446(a), Saxon, MERS and Deutsche have annexed all
12 process, pleadings, and orders served upon them. A copy of the Complaint is annexed hereto as
13 Exhibit A, and a copy of the “Notice of Lis Pendens” is annexed as Exhibit B.
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15 12. Pursuant to 28 U.S.C. § 1441(c), a true copy of this removal has been filed
16 concurrently with the Nevada State District Court, Clark County and served upon the Plaintiff.
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1 13. Saxon, MERS and Deutsche reserve the right to supplement this Petition for Removal
2 when additional information becomes available. Saxon, MERS and Deutsche further reserve all
3 rights including, but not limited to, defenses and objections as to venue, personal jurisdiction and
4 service. The filing of this Petition for Removal is subject to, and without waiver of any such defense
5 or objection.

DATED: July 28, 2011

WOLFE & WYMAN LLP

By: /s/ Sarah A. Gaskill

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Attorneys for Defendants,

SAXON MORTGAGE, SEL

MORTGAGE ELECTRON

REGISTRA

DEUTSCHE BANK NATIONAL TRUST COMPANY

CERTIFICATE OF SERVICE

On July 28, 2011, I served the **PETITION FOR REMOVAL** by the following means to the persons as listed below:

a. EFC System (you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary):

X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

Brandon T. Dalby
550 Blackmore Drive
Henderson, NV 89015
Plaintiffs in Pro Per

By: /s/ Mary Grace Morla

Mary Grace Morla
An employee of Wolfe & Wyman LLP

